

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

FRUTH, INC.,
a West Virginia corporation,

Plaintiff,

v.

CIVIL ACTION NO. 3:15-cv-16266

DON PULLIN, an individual,
and CONNIE PULLIN, an individual,

Defendants.

FINAL ORDER DISMISSING ALL CLAIMS

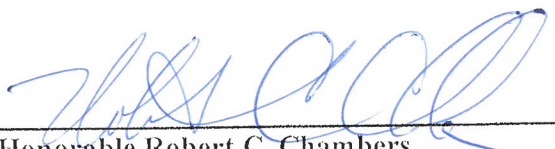
On this day came the Plaintiff, Fruth, Inc., by its counsel, J.H. Mahaney and Daniel A. Earl of Dinsmore & Shohl, LLP, and Defendant, Don Pullin and Connie Pullin, by their counsel, Neva G. Lusk, Keith D. Fisher and announced to the Court that they have reached an agreement to resolve all claims asserted in this case. Pursuant to that agreement, the parties jointly move this Court, pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, to dismiss all claims asserted by the Plaintiff in this case against the Defendants Don Pullin and Connie Pullin with prejudice.

The Court, being advised in the premises, **FINDS and CONCLUDES** that the parties' Motion is well-taken, and should be **GRANTED**. It is therefore **ORDERED, ADJUDGED and DECREED** this case and the claims asserted herein by the Plaintiff are dismissed with prejudice, with each of the parties hereto bearing his, her or its respective attorneys' fees and costs incurred in this case. Given the nature of the claims asserted herein, the Court further **FIND and CONCLUDES** that it is just and proper for it to retain limited jurisdiction over this case to enforce the term of the parties' agreement resolving this case should the need arise for it

to do so, and hereby **ORDERS** that it shall retain limited jurisdiction over this case to do so. It is further **ORDERED, ADJUDGED and DECREED** that this case should be, and hereby is, dismissed with prejudice and removed from this Court's docket. Any party hereto seeking to invoke the limited jurisdiction retained by this Court pursuant to the parties' agreement in this case should file an appropriate motion to have this case be reinstated to the Court's active docket.

The Clerk is directed to a certified copy of this order to all counsel of record.

ENTERED this 25th day of July, 2016.



Honorable Robert C. Chambers

PREPARED BY:

/s/ J.H. Mahaney
J.H. Mahaney (WV Bar No. 6993)
Daniel A. Earl (WV Bar No. 6025)
DINSMORE & SHOHL LLP
P.O. Box 2185
Huntington, WV 25722
(304) 529-6181
(304) 522-4312 (Facsimile)
daniel.earl@dinsmore.com
john.mahaney@dinsmore.com

Counsel for
FRUTH, INC.

APPROVED BY:

/s/ Neva G. Lusk

Neva G. Lusk (WV Bar No. 2274)

Keith D. Fisher (WV Bar No. 11346)

SPILMAN THOMAS & BATTLE, PLLC

P.O. Box 273

Charleston, WV 25321

(304) 340-3800

(304) 340-3801 (Facsimile)

nlusk@spilmanlaw.com

kfisher@spilmanlaw.com

Counsel for

DON PULLIN and CONNIE PULLIN